

★ JUL 22 2019 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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MARIA CORREA,

Plaintiff,

-against-

YRC WORLDWIDE, INC., YRC FREIGHT,
AND JOHN DOE,

Defendants.
-----x

NOT FOR PUBLICATION
MEMORANDUM & ORDER
19-CV-1564 (CBA) (RLM)

AMON, United States District Judge:

On March 19, 2019, Defendants YRC Worldwide, Inc. and YRC Freight (collectively, “YRC”) removed this personal injury action to this Court. (D.E. # 1.) On March 28, 2019, the Honorable Roanne L. Mann, Chief United States Magistrate Judge, issued a sua sponte Report & Recommendation recommending that the Court remand the action to the Supreme Court of New York, Queens County, because YRC failed to provide a basis for subject matter jurisdiction. (D.E. # 7 (the “March R&R”).) On April 16, 2019, this Court adopted the March R&R as the opinion of the Court and remanded the case to the Supreme Court of New York, Queens County. (D.E. # 11–12.)

On June 25, 2019, YRC filed a letter motion seeking to reopen the case to allow for the filing of a new Petition for Removal. (D.E. # 13.) This Court referred Defendants’ letter motion to Chief Magistrate Judge Mann, (D.E. dated 6/27/2019), who thereafter issued a Report and Recommendation recommending that the Court deny Defendants’ motion to reopen the case for lack of jurisdiction, (D.E. # 16 (the “June R&R”).)

No party has objected to the June R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court

need only satisfy itself that there is no clear error on the face of the record.” Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

The Court has reviewed the June R&R and the record and, finding no clear error, adopts the well-reasoned R&R as the opinion of the Court. Defendants’ motion to reopen this case is denied for lack of jurisdiction.

SO ORDERED.

Dated: July 19, 2019
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge